

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VICTOR FERREIRA-ROSARIO,

Petitioner,

- against -

**ORDER**

19 Civ. 3175 (NRB)

18 Cr. 173-7 (NRB)

UNITED STATES OF AMERICA,

Respondent.

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**NAOMI REICE BUCHWALD**

**UNITED STATES DISTRICT JUDGE**

WHEREAS, on December 20, 2018, the Court sentenced petitioner Victor Ferreira-Rosario to 78 months' imprisonment (18-CR-0173-7, ECF No. 71);

WHEREAS, on April 8, 2019, petitioner filed a petition requesting that the Court vacate his sentence pursuant to 28 U.S.C. § 2255 for ineffective assistance of counsel (19-CV-3175, ECF No. 1);

WHEREAS, on August 20, 2019, the Court dismissed the petition without prejudice for want of jurisdiction due to petitioner's direct appeal of his sentence (19-CV-3175, ECF No. 4);

WHEREAS, on August 28, 2020, the U.S. Court of Appeals for the Second Circuit dismissed petitioner's direct appeal as untimely and issued a mandate restoring this Court's jurisdiction (18-CR-0173-7, ECF No. 166); and

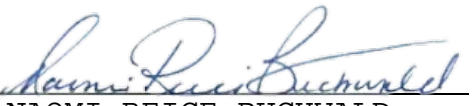
WHEREAS, the Court cannot conclude at this stage that it plainly appears from the petition that petitioner is not entitled to relief; it is hereby

**ORDERED** that the Government shall file a response to the petition by October 16, 2020; and it is further

**ORDERED** that petitioner shall have until November 16, 2020 to file a reply to the Government's response and, absent further order, the petition shall be considered fully submitted as of that date; and it is further

**ORDERED** that all further papers filed or submitted for filing regarding this petition must also include the criminal docket number and must also be docketed in the criminal case.

Dated: New York, New York  
September 2, 2020

  
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NAOMI REICE BUCHWALD  
UNITED STATES District JUDGE

A copy of the foregoing has been mailed to:

Victor Ferreira-Rosario, ID No. 85505-054  
MOSHANNON VALLEY CORRECTIONAL INSTITUTION  
555 GEO DRIVE  
PHILIPSBURG, PA 16866